

51.2.2

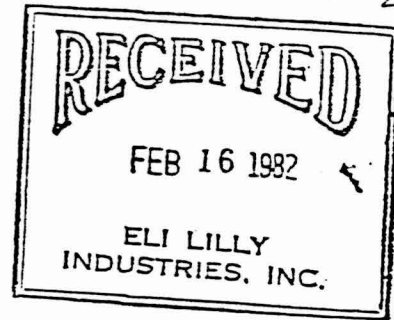
Lilly

*Copy given by Masdolen
on 3/15/84*

Eli Lilly and Company

307 East McCarty Street
Indianapolis, Indiana 46285
(317) 261-2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



February 11, 1982

United States Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

Attention: Mr. John Jimenez
Environmental Scientist
Solid Waste Board

Dear Mr. Jimenez:

RE: Your letter, Jan. 20, 1982, to:
Mr. Jaime R. Escalona
Eli Lilly Industries, Inc.
San Juan, Puerto Rico
Iden. No. PRD009009457

On behalf of Mr. Escalona, I am answering your letter of Jan. 20, 1982 concerning Lilly Industries PR II Facility's hazardous waste activity status. We thank you for your response and information submitted in your letter. I do have some questions and as you suggested, I tried to phone you several times at (212)264-0547. Since I was unable to complete the call, I opted to write.

We understand your comments and agree that Eli Lilly Industries, PR II (Carolina facility) is not currently subject to Parts 264 and 265 requirements. As suggested by Mr. Escalona, this then leaves us as a generator only, and since we generate less than 1000 Kg/month of specified wastes, we consider our status as that of a small-quantity generator.

We note your reference and attachment of Part 266, dated Nov. 17, 1980. I am sure you realize this Part has been proposed only, and has not been promulgated. As a matter of fact, this proposal has been reopened for comment. (47 FR 4706, Feb. 2, 1982). We do agree that the essence of proposed Part 266 is reasonable and desirable, but since it is proposed only we intend to reference it for guidance only.

Further, reviewing the proposed special requirements of Part 266 we point out the following scenerio with respect to our wastewater treatment facility:

Part 266.10(a) indicates the regulation applies to owners and operators of . . . and wastewater treatment units as defined in Part 260.10.

and

Part 260.10 defines "wastewater treatment unit" as a device which:

- (1) Is part of a wastewater treatment facility which is subject to regulations under either Section 402 or Section 307(b) of the Clean Water Act; and
- (2) Receives and treats or stores an influent wastewater which is hazardous waste as defined in 261.3 of this Chapter, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 261.3 of this Chapter, or treats or stores a wastewater treatment sludge which is hazardous waste as defined in 261.3 of this Chapter.

Now recall that our application for delisting pertained to the generated sludge and not necessarily to the NPDES discharge or treatment facility. The sludge has now been delisted (46 FR 61272, Dec. 16, 1981), hence it is not longer considered hazardous. Further, methanol has been removed as a toxic (t) hazardous waste and is listed only for its ignitable characteristic. Under a new regulation, Part 261 - Identification and Listing of Hazardous Waste promulgated at 46 FR 56588, Nov. 17, 1981, we can demonstrate a waste methanol mixture which can be shown not to exhibit the characteristic of ignitability. The other contaminant in the headwaters of our wastewater treatment facility is isobutanol. We believe we can demonstrate that its concentration does not exceed 25 ppm, and therefore is excluded as a hazardous waste under this same regulation.

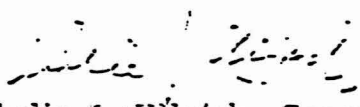
In summary, I believe we have demonstrated that Eli Lilly Industries, PR II is in fact a Small Quantity Generator only under the hazardous waste management system. Our normal and routine operating mode for the wastewater treatment facility does encompass many of the parameters outlined in the proposed regulation Part 266 since they are sound procedures for safe and efficient operation.

U.S. EPA - Mr. John Jimenez
February 11, 1982 - Page 3

Please call me at (317)261-2120 if further clarification is desired.

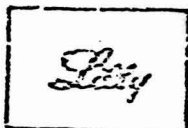
Yours sincerely,

ELI LILLY AND COMPANY


Arlie J. Ulrich, Consultant
Environmental Affairs Division

rg

~~cc: Mr. Jimenez - Regional Office~~
bcc: Mr. M. L. Esarey
Mr. R. Garcia - Mayaguez
Mrs. S. J. Hooks
Mr. J. C. Jackson
Mr. C. M. Purcell - Carolina
Mr. D. E. Jarvela - Carolina
Mr. A. Rodriguez - PR II



ELI LILLY INDUSTRIES, INC.

GENERAL POST OFFICE BOX 71325

SAN JUAN, PUERTO RICO 00936

CERTIFIED/RRR No. 2222122

December 18, 1981

U. S. Environmental Protection Agency
Permits Administration Branch, Room 432
Region II, 26 Federal Plaza
New York, New York 10278

Gentlemen:

Re: E.P.A. Identification No. PR0009009457

In our original notification of hazardous waste activity to E.P.A. and our application for a hazardous waste permit dated November 18, 1980 (Part A General and Form 3 RCRA) for our PR11 facility, we had considered ourselves a T.S.D. facility based on our interpretation of the regulations as they related to the operation of our waste water treatment plant (NPDES No. PR0021423).

Subsequently, new ruling by E.P.A. dated November 17, 1980 regulation 40CFR Part 265.1010 exempts waste water treatment plants operating under an NPDES permit number from being a hazardous waste treatment facility. Also, we have tentative approval from Region II for delisting of our waste water treatment plant sludge according to 40CFR Part 260.22. This changes the status of our PR11 plant from a treatment/storage/disposal facility to a small quantity generator storing for less than ninety (90) days.

We are hereby notifying E.P.A. of this change for the corresponding updating of your records.

Yours very truly,


Jaime R. Escalona, Vice President

mf

cc: Mr. M. Esarey
Mr. R. Garcia
Mr. J. Jackson
Mr. D. Jarvela
Ms. C. Purcell
Mr. A. Rodríguez
Mr. A. Ullrich
Mr. P. Gelabert (PR EQB) Certified/RRR No. 2222123



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

26 FEDERAL PLAZA

NEW YORK, NEW YORK 10278

JAN 20 1982

(1)

Jaime R. Escalona
Vice President
Eli Lilly Industries, Inc.
General Post Office Box 71325
San Juan, Puerto Rico 00936

ARLIE ULLRICH - MC853 74/8
For your information

Dear Mr. Escalona:

This is in response to your letter of December 18, 1981 concerning the Eli Lilly facility in Carolina, Puerto Rico, EPA ID No. PRD009009457. You state that regulations at 40 CFR Part 265.1(c)10 exempt waste water treatment plants operating under a NPDES permit from being considered a hazardous waste treatment facility under the Resource Conservation and Recovery Act (RCRA).

This interpretation is not totally correct. The regulatory controls imposed on wastewater treatment facilities under the NPDES program focus on control of discharges into surface waters or publically owned treatment works not on potential releases of hazardous wastes to the land, groundwater, or atmosphere. For this reason and others, EPA determined that RCRA regulation of wastewater treatment facilities that handle hazardous wastes is required. However, the agency decided that RCRA regulation of the potential hazards posed by wastewater treatment units could be accomplished through use of a permit-by-rule approach instead of the more time consuming individual permit approach.

Under the permit-by-rule approach eligible wastewater treatment units would be deemed to have a RCRA permit if they comply with the special requirements established in Subpart B of Part 266. These regulations include special requirements for security, inspection, reporting, closure, and general operating requirements. A copy of the proposed regulations is attached for your information. In addition, under Part 122.26 if EPA determines that the requirements of 40 CFR Part 266 Subpart B are not sufficient to protect human health or the environment, the additional requirements of 40 CFR Part 264 can be imposed on a facility.

Thus, based on the information submitted by your company it appears that the Eli Lilly Carolina facility is not currently subject to Part 264 and 265 requirements. It is still, however, considered a hazardous waste facility subject to the special requirements of Part 266.

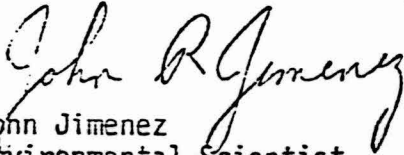
(2)

ARLIE ULLRICH MC853 74/8

2

If you have any questions regarding this letter, I can be reached at (212) 264-0547.

Sincerely yours,



John Jimenez
Environmental Scientist
Solid Waste Branch

Attachment